

## **EPA REGION 3 ENVIRO-BYTES**

A Wrap-Up of Issues & Events in EPA's Mid-Atlantic Region  
January 14, 2000

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### **AGREEMENT REACHED AT MALVERN, PA TCE SUPERFUND SITE**

On December 13, a consent decree was filed in federal court providing for a full cleanup of the Malvern TCE Superfund Site. The site, located in East Whiteland Township, Chester County, includes a five-acre parcel where the solvent TCE was processed, contaminating the soil and groundwater. The consent decree was signed by EPA, the Commonwealth of Pennsylvania and 34 other potentially responsible parties.

### **ARMY REMOVING ORDNANCE AT FORMER NANSEMOND DEPOT, VA**

To protect more than 2,000 Tidewater Community College students and faculty nearby, the EPA and the Army began work this week removing ordnance and explosive hazards at the Former Nansemond Ordnance Depot in Portsmouth, Va. The buried munitions pose no immediate threat to the community, if left in place and undisturbed. However, if future use of the property should disturb them, they could explode. From 1917 to 1960, the Defense Department used the site to assemble, store and destroy military munitions and weaponry. Since 1960, Nansemond has been owned by various private and public entities.

### **COMPLAINTS AGAINST TWO DC CONCRETE PLANTS FOR WATER VIOLATIONS**

On December 30, EPA filed complaints against the Driggs Corp. and Opportunity Concrete for violations of the Clean Water Act at

their concrete facilities in Washington, D.C. Specifically, the facilities have discharged pollutant-laden storm water and wastewater to storm sewers leading to the Anacostia River without a permit. EPA seeks a civil penalty of \$33,000 from each company for these violations.

#### **EPA FILES COMPLAINT AGAINST WVA COAL COMPANIES FOR "BLACKWATER"**

On December 30, EPA filed a complaint against Catenary Coal and Elk Run Coal Companies for discharging "blackwater" into nearby waterways in violation of the Clean Water Act. Catenary Coal's discharge caused discoloration of the water in the Pointlick Fork of Campbell's Creek in Kanawha County, W.Va. Elk Run's discharge discolored Little Elk Creek. EPA seeks a civil penalty of \$33,000 from Catenary Coal and \$22,000 from Elk Run Coal.

#### **CIRCUIT COURT REVERSES LOWER COURT ON SUPERFUND CLEANUPS**

Reversing a lower court judgment, the U.S. Court of Appeals in Philadelphia has reinstated the federal government's lawsuit against Occidental Chemical Corp. over the cleanup of the Centre County Kepone Superfund Site in State College, Pa. In its December 28, 1999 opinion, the appeals court ruled that EPA acted within its legal authority when it ordered Occidental in March 1997 to participate in a cleanup plan that EPA had negotiated with Ruetgers-Nease Corp. The agency had named both companies as "potentially responsible parties," or PRPs, that may have contributed to the hazardous substances found at the site. Writing for a unanimous three-judge panel, Circuit Judge Walter Stapleton rejected Occidental's argument that the Superfund law barred EPA from ordering non-settling parties to participate in a cleanup plan negotiated with other PRPs.

#### **BALTIMORE OIL REFINER AGREES TO PENALTY/UPGRADES**

Bayway Refining Co. will pay a \$28,000 penalty to settle allegations that the company violated federal oil spill prevention regulations at its 35-acre terminal in Baltimore. In a consent agreement with EPA, Bayway also agreed to complete two special projects, at an estimated total cost of \$93,000, to improve spill prevention safeguards at the terminal -- a 31.4-million-gallon fuel storage facility located near Curtis Bay.

#### **PHILA TO TEST FOR LEAD IN DRINKING WATER AT DISTRICT SCHOOLS**

On December 31, the Philadelphia Health Department signed an agreement with the Philadelphia School District to test drinking water for possible lead contamination of the buildings' plumbing systems. The EPA has issued guidance to schools to test tap water for lead. If lead levels are 20 ppb or above, the school needs to take the necessary corrective action. More than 250 schools

will be sampled as part of this children's health and safe drinking water effort.

#### **EPA RELEASES DRAFT GUIDANCE RELATED TO CSO CONTROL POLICY**

The agency has submitted to Congress an outline of its draft guidance for reviewing water quality standards and designated uses for waters that receive combined sewer overflows (CSOs). The guidance is a key piece of the national CSO Control Policy which requires states and municipalities to develop long-term plans for controlling CSOs as needed to help attain healthy water quality standards. The draft guidance provides information on the policy, programmatic and technical guidance the agency is currently developing for public review and comment in April 2000. The draft guidance is available on the Internet at <http://www.epa.gov/ost/cso>.

#### **DE'S NONPOINT SOURCE MANAGEMENT PROGRAM GETS EPA APPROVAL**

EPA has approved Delaware's update of its Nonpoint Source Management Plan, making Delaware the second state in the Region to have its revised plan approved. As described in the Clean Water Action Plan, states that update their Nonpoint Source Management Plans will be eligible for additional funding under Section 319 of the Clean Water Act. The Management Plan establishes important long-term goals to improve Delaware's water quality and short-term actions to achieve these goals.

#### **EPA ISSUES PROPOSED ORDER TO BRADFORD, PA OIL CO.**

BDH Oil Company owns and operates 29 enhanced oil recovery injection wells at a facility located near Bradford, Pa. EPA has notified BDH several times since it began operation of the facility that it needs to submit an adequate financial responsibility demonstration for the plugging and abandonment of its injection wells in accordance with Underground Injection Control (UIC) regulatory requirements. To date BDH has not complied. The provisions of the proposed order, issued December 30, will require BDH to submit the financial responsibility and to pay a \$11,000 penalty. The company has 30 days to request a hearing or a conference with EPA; otherwise the order will be finalized. The company will face termination of their UIC permit if they fail to comply with the order.

#### **PERMITTING OF WOODROW WILSON BRIDGE UNDER WAY**

The Federal Highway Administration proposes to build a new 12-lane bridge to replace the existing Wilson Bridge between Alexandria, Va. and Oxon Hill, Md. over waters belonging to Virginia, Maryland, and the District of Columbia. The project will involve substantial construction scheduled to begin in

October 2000. Storm water discharges from these construction sites must be authorized under the wastewater discharge permit program. The existing storm water Multi-Sector General Construction Permit will be applicable for the District of Columbia, by filing a Notice of Intent (NOI); the Maryland State Highway Administration and the Virginia Department of Transportation will be filing NOIs for the respective state general storm water permits. Besides the NOIs, an additional requirement will be to develop storm water pollution prevention plans for each jurisdiction.

#### **COMPLAINT ISSUED TO BERKS COUNTY, PA SURGICAL SUPPLIER**

Surgical Specialties Corp., a manufacturer of precision medical devices, has been cited for excessive discharges of lead from its plant in Shillington, Berks Co., Pa. According to EPA's administrative complaint, in five separate months between June 1996 and June 1999, the company violated Clean Water Act limits on the discharge of lead to a publicly owned wastewater treatment works. The company's plant discharges wastewater to a plant operated by the Joint Municipal Authority of Wyomissing Valley. EPA proposes a \$19,000 penalty for these alleged violations.

#### **AIR POLLUTION CONTROL GRANTS AWARDED**

Clean Air Act grants totaling more than over \$8.2 million were recently awarded to states and local governments. Grants were awarded to Pennsylvania, Delaware, West Virginia, Maryland, Allegheny County, and the Mid-Atlantic Regional Air Management Association. This year's grant funding exceeded the FY99 grants by nearly 10 percent. In a year that witnessed many changes in air pollution control standards and the ongoing development of a national air toxics strategy, process improvements and timely guidance resulted in the grants being awarded earlier than any year in the decade of the 90s.

#### **FLUORESCENT LAMP RECYCLING RULE NEWLY EFFECTIVE**

The Lamp Recycling Rule, effective January 6, allows that any entity that otherwise generates hazardous waste, can separate fluorescent lamps from hazardous waste and instead manage the lamps as universal waste if they are kept intact and sent to a recycling facility that would properly manage the mercury, glass and metallic parts. The designation of the lamps as universal waste is allowed when a state adopts this rulemaking, or has previously petitioned EPA to include fluorescent lamps as a universal waste. The rule does not apply to household waste or to small businesses that generate small quantities of hazardous waste. Although EPA strongly encourages households and small businesses to recycle these lamps, they are not prohibited from disposing lamps as municipal solid waste. Some waste haulers have

misinformed small businesses and households that EPA will not allow fluorescent lamps in trash. Region III and our State partners will ensure that all entities are properly informed of the fluorescent lamp recycling or disposal options available.

#### **SOIL TEST RESULTS FROM PHILA LOGAN SECTION ARE BACK**

EPA briefed community leaders, congressional representatives including Sens. Specter and Santorum, and media on January 10 on the results of 230 soil samples the agency took in November 1999 in the Logan Section of Philadelphia. Sample results show six areas of elevated lead contamination. EPA proposes to remove the contaminated soil from those six areas and cover it with clean soil or gravel. The agency is currently working with the City and its Health Risk Management Department to see that those areas are addressed in early spring.

#### **TONS OF PCB SOIL REMOVED FROM FT. EUSTIS, NEWPORT NEWS**

More than 1,600 tons of polychlorinated biphenyl (PCB) contaminated soil and sediment have been removed from the Ft. Eustis hazardous waste site and loaded onto railcars for transfer to a toxic waste landfill. The removal will prevent further migration of PCB-contaminated soil and sediment into Bailey Creek, and preserve the adjacent wetland areas surrounding Bailey Creek. The removal is scheduled to be completed by mid-February and will be followed by wetlands restoration, a feasibility study, and long-term monitoring.

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